



PESTICIDES & ASBESTOS ENFORCEMENT SECTION
ENFORCEMENT CASE RECOMMENDATION
WORKSHEET¹

CASE FILE NUMBER:	CASE FILE NAME: <i>Abington Memorial Hospital</i>
CASE REVIEW OFFICER: <i>Rich Ponak</i>	REVIEW START DATE: <i>8/12/96</i>
FINDINGS OF INITIAL CASE REVIEW: <i>Dry removal in hospital inspector opened bags found dry material, no gloves used or containers used</i>	
DISPOSITION RECOMMENDATION: CV REF <input checked="" type="radio"/> CC <input type="radio"/> NOW/NOV <input type="radio"/> SSURO <input type="radio"/> TERM EST <input type="radio"/> CLOSE <input type="radio"/> OTHER:	
JUSTIFICATION FOR RECOMMENDATION: <i>inspector's observations photos - Positive ACU samples</i>	
ENFORCEMENT UNIT DISCUSSION:	
DISPOSITION PRIORITY: LOW MED <input checked="" type="radio"/> HIGH CDO ASSIGNED: <i>Ponak</i>	
CONCURRENCE SECTION	
CASE REVIEW OFFICER <i>Richard Ponak</i>	DATE: <i>8/12/96</i>
ENFORCEMENT COORDINATION	DATE:
SECTION CHIEF <i>[Signature]</i>	DATE: <i>8/28/96</i>

¹ This is a pre-decisional document protected by the deliberative process and attorney work product privileges (and may also be privileged attorney-client communication). Conclusions or recommendations are intended solely as primary information for government personnel. This worksheet contains tentative conclusions and staff-level recommendations and does not create any rights, or procedural, or defenses, as they are not binding on the Agency or the Department of Justice.

INCORPORATED

LIMIT-ONE ROLL PER ENVELOPE

FILE LETTER

TIME IN

597-1966

PHONE

TIME PROMISED

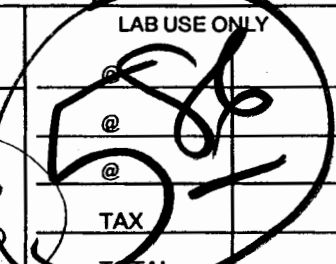
DATE _____

3-27-95

CITY Mon. 12:00
TIME IN

TIME PROMISED 1:00 PM

KODAK	FUJI	KONICA	3M	OTHER	SLIDES	MOVIES
GC						

FILM SIZE		EXPOSURES		REPRINTS AND ENLARGEMENTS	
<input type="checkbox"/> DISC	<input checked="" type="checkbox"/> 12	NO. OF NEG. STRIPS _____	QUAN.	NEG. NO.	
<input type="checkbox"/> 110	<input type="checkbox"/> 15	<input type="checkbox"/> REPRINTS	_____	_____	
<input type="checkbox"/> 126	<input type="checkbox"/> 20	<input type="checkbox"/> 5x7	_____	_____	
<input checked="" type="checkbox"/> 135	<input type="checkbox"/> 24	<input type="checkbox"/> 8x10	_____	_____	
_____ OTHER _____	<input type="checkbox"/> 36	<input type="checkbox"/> 8x12	_____	_____	
	_____ OTHER _____	<input type="checkbox"/> 11x14	_____	_____	
SPECIAL INSTRUCTIONS		NO. OF PRINTS 11	LAB USE ONLY		
3 1/2 x 5 Glossy		48			
			@		
			@		
			TAX		
			TOTAL		

No 3 8 7 8 4 7 No



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MidCityCamera

INCORPORATED

1001187120

LIMIT-ONE ROLL PER ENVELOPE

CLERK

☒ FILE LETTER

NAME EPA (Porak)

387846

ADDRESS 597-1966

DATE 3-27-95

CITY _____ PHONE _____

TIME IN Mon. 12:00 TIME PROMISED Tues. 12:00

KODAK	FUJI	KONICA	3M	OTHER	SLIDES	MOVIES
GC						

FILM SIZE	EXPOSURES	REPRINTS AND ENLARGEMENTS	
<input type="checkbox"/> DISC	<input checked="" type="checkbox"/> 12	NO. OF NEG. STRIPS _____	QUAN. _____
<input type="checkbox"/> 110	<input type="checkbox"/> 15	<input type="checkbox"/> REPRINTS	NEG. NO. _____
<input type="checkbox"/> 126	<input type="checkbox"/> 20	<input type="checkbox"/> 5x7	_____
<input checked="" type="checkbox"/> 135	<input type="checkbox"/> 24	<input type="checkbox"/> 8x10	_____
_____ OTHER _____	<input type="checkbox"/> 36	<input type="checkbox"/> 8x12	_____
	_____ OTHER _____	<input type="checkbox"/> 11x14	_____
SPECIAL INSTRUCTIONS		NO. OF PRINTS <u>13</u>	LAB USE ONLY
<u>3 1/2 X 5</u>		<u>130</u>	<input type="checkbox"/> TAX
<u>Glossy</u>			
<u>49</u>			
			TOTAL

N₂ 3 8 7 8 4 6 N₂



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DELTA REMOVAL, INC.

ASBESTOS ABATEMENT SPECIALISTS

1345 Industrial Boulevard • Southampton, PA 18966



MR. JOHN DALEY (3AT33)
ASBESTOS NESHAPS COORDINATOR
UNITED STATES EPA REGION III
841 CHESTNUT BUILDING
PHILADELPHIA, PA 19107

19107-4414 35



ASBESTOS ABATEMENT AND DEMOLITION/RENOVATION NOTIFICATION

OFFICIAL USE ONLY: Postmark date: _____ Project ID #: _____ Permit #: _____ Inspector: _____	Date received 1: <div style="border: 1px solid black; width: 100px; height: 100px; margin: 10px auto;"></div>	Date received 2: <div style="border: 1px solid black; padding: 10px; text-align: center;"> RECEIVED JUN 24 1996 <small>Pesticides & Asbestos Enforcement Section EPA Region III</small> </div>
1. TYPE OF NOTIFICATION (check one): <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision (highlight changes) <input type="checkbox"/> Cancellation		
2. PROJECT LOCATION (check one): <input type="checkbox"/> Allegheny County <input type="checkbox"/> City of Philadelphia <input checked="" type="checkbox"/> Other location in PA (specify county): <u>Mont.</u>		
3. FOR ALLEGHENY COUNTY AND CITY OF PHILADELPHIA PROJECTS: <u>N/A</u> A. Does this project require a permit? (Y/N): _____ (If Y, a permit application must be submitted along with this notification and approved prior to the start of the project.) B. For City of Philadelphia projects requiring a permit: Asbestos project inspector: _____ Certification #: _____ Company name: _____ Address: _____ City: _____ State: _____ Zip: _____		
4. WILL ALTERNATIVE METHODS TO ANY OF THE APPLICABLE REGULATIONS BE USED? (Y/N): <u>N</u> (If Y, approval must be obtained prior to the start of the project. Please contact the appropriate DER regional office or local government agency (see page 6) for alternative method request procedures.)		
5. TYPE OF OPERATION (check one): <input type="checkbox"/> Demolition <input type="checkbox"/> Ordered Demolition <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation		
6. FACILITY DESCRIPTION: Facility name: <u>Abington Hospital</u> Address: <u>1200 Old York Rd.</u> City: <u>Abington</u> Zip: <u>19001</u> Facility size in square feet: <u>100,000</u> # of floors: <u>8</u> Age in years: <u>60</u> Present use: <u>Hospital</u> Prior use: <u>Hospital</u> Will the facility be occupied during the abatement activity? (Y/N): <u>Y</u>		
7. ABATEMENT CONTRACTOR: Company name: <u>DELTA REMOVAL, INC.</u> Allegheny County or City of Philadelphia license # (if applicable): <u>H-44640</u> Address: <u>1345 INDUSTRIAL BOULEVARD</u> City: <u>SOUTHAMPTON</u> State: <u>PA</u> Zip: <u>18966</u> Contact: <u>JACK FITZPATRICK</u> Telephone: <u>215/322-2900</u>		
8. OTHER CONTRACTOR: Company name: <u>N/A</u> Address: _____ City: _____ State: _____ Zip: _____ Contact: _____ Telephone: _____		
9. FACILITY OWNER: Company name: <u>Same as #6</u> Address: <u>Same as #6</u> City: _____ State: _____ Zip: _____ Contact: <u>Frank Tesler</u> Telephone: <u>(215) 574-2783</u>		

14. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO REMOVE ACM AND TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION OR RENOVATION SITE:
COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS

15. WASTE TRANSPORTER(S):

A. Transporter #1 name: SPECIALTY CARRIERS

Address: 310 GEYERS CHURCH ROAD

City: MIDDLETOWN

State: PA Zip: 17057

Contact: ROBERT GURT

Telephone: 717/944-6645

B. Transporter #2 name: _____

Address: _____

City: _____

State: _____ Zip: _____

Contact: _____

Telephone: _____

16. WASTE DISPOSAL SITE:

Landfill name: MEADOWFILL LANDFILL

DER permit #: SWF103292

Address: ROUTE #2, BOX 68

City: BRIDGEPORT

State: WV Zip: 26330

Contact: ANNA CHATT

Telephone: 800/545-6117

17. AIR MONITORING FIRM(S):

A. Company name: Criterion Labs

Address: 3370 Progress Dr

City: Bensalem

State: PA Zip: 19020

Contact: Jim Weitz

Telephone: 215/244-1300

B. Final clearance firm (if different from 17A): _____

Address: _____

City: _____

State: _____ Zip: _____

Contact: _____

Telephone: _____

C. The firm performing final clearance was hired by (check one):

☐ Contractor

☒ Owner

☐ Other (explain): _____

18. AIR SAMPLE ANALYSIS FIRM(S) (City of Philadelphia projects only):

NA

A. PCM company name: _____ Certification #: _____

Address: _____

City: _____

State: _____ Zip: _____

Contact: _____

Telephone: _____

B. TEM company name: _____ Certification #: _____

Address: _____

City: _____

State: _____ Zip: _____

Contact: _____

Telephone: _____



PESTICIDES & ASBESTOS ENFORCEMENT SECTION
ENFORCEMENT CASE RECOMMENDATION
WORKSHEET¹

CASE FILE NUMBER:	CASE FILE NAME: <i>Abington Memorial Hospital</i>
CASE REVIEW OFFICER: <i>Rich Ponak</i>	REVIEW START DATE: <i>8/12/96</i>
FINDINGS OF INITIAL CASE REVIEW: <i>Dry removal in hospital inspector opened bags found dry material, no gloves used or containment used</i>	
DISPOSITION RECOMMENDATION: CV REF <input checked="" type="radio"/> CC <input type="radio"/> NOW/NOV <input type="radio"/> SSURO <input type="radio"/> TERM EST <input type="radio"/> CLOSE <input type="radio"/> OTHER:	
JUSTIFICATION FOR RECOMMENDATION: <i>inspector's observations photos - Positive ACOL samples</i>	
ENFORCEMENT UNIT DISCUSSION:	
DISPOSITION PRIORITY: LOW MED <input checked="" type="radio"/> HIGH CDO ASSIGNED: <i>Ponak</i>	
CONCURRENCE SECTION	
CASE REVIEW OFFICER: <i>Michael Ponak</i>	DATE: <i>8/12/96</i>
ENFORCEMENT COORDINATION	DATE:
SECTION CHIEF: <i>[Signature]</i>	DATE: <i>8/29/96</i>

¹ This is a pre-decisional document protected by the deliberative process and attorney work product privileges (and may also be privileged attorney-client communication). Conclusions or recommendations are intended solely as primary information for government personnel. This worksheet contains tentative conclusions and staff-level recommendations and does not create any rights, or procedural, or defenses, as they are not binding on the Agency or the Department of Justice.

- No plaster in any bags

60% of bags hitting
40% P/I

cc No water in any waste

No Glove bags in any ~~Glove~~ bags



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

Project Name Abington Hosp. 2nd Asbestos File # _____
Project Location Abington PA Project Start Date 7-2-96
Contractor Delta Removal Inspection Date 7-22-96
On-Site Supervisor N/A Inspector Rich Bank
Type of Project Removal ☒ Demolition _____
Phase of Project Pre-Job _____ Set-Up _____ Removal _____ Post ☒
Inspection Number 1st _____ 2nd ☒ 3rd _____ 4th _____
On-Site Representative _____
Company Name _____
On-Site Supervisor _____
Type of Removal Gross _____ Glove-Bag ☒ Other _____

NESHAP'S REQUIREMENTS

Is Removal: Planned ☒ Emergency _____

If Planned, was Notification Postmarked 10 Working Days Prior to the Start of
the Project? Yes ☒ No _____ N/A _____

Category of ACM to be Removed:

Regulated ACM ☒ CAT. I _____ CAT. II _____

COMMENTS AND RECOMMENDATIONS: demo crew on site 2nd floor highland
Wing - stated ACM removal completed - all waste off site

EAGLE INDUSTRIAL HYGIENE ASSOC., INC.

Accredited for PLM by NVLAP Lab Code #101536-0

DATA SUMMARY**REPORT # 960740****Client: EPA****Site: Abington Hospital****Lab Report # 960759****Method: Polarized light microscopy with dispersion staining, according to the
"Interim Analytical Method of the Determination of Asbestos in Building
Insulation Samples," (40 CFR Part 763, Subpart F, Appendix A, Revised 7-1-94)**

Sample #E 96071601 Client # AH O1 Analysed: July 17, 1996**Description: 2nd Floor Old O.R. - P/I****Results: 35 % Chrysotile,
85 % Nonfibrous Particulate.****Sample #E 96071602 Client # AH O2 Analysed: July 15, 1996****Description: 2nd Floor Old O.R. - Fitting****Results: 8 % Fibrous Glass,
92 % Nonfibrous Particulate.****Sample #E 96071603 Client # AH O3 Analysed: July 17, 1996****Description: 2nd Floor Old O.R. - Fitting****Results: 3 % Cellulose,
97 % Nonfibrous Particulate.****Sample #E 96071604 Client # AH O4 Analysed: July 17, 1996****Description: 2nd Floor Old O.R. - P/I****Results: 30 % Chrysotile,
70 % Nonfibrous Particulate.****Sample #E 96071605 Client # AH O5 Analysed: July 17, 1996****Description: 2nd Floor Old O.R. - Fitting****Results: 17 % Fibrous Glass,
83 % Nonfibrous Particulate.****Sample #E 96071606 Client # AH O6 Analysed: July 17, 1996****Description: 2nd Floor Old O.R. - Fitting****Results: 15 % Fibrous Glass,
85 % Nonfibrous Particulate.****Analyst: Keith E. Crawford**

"The "scope" of this report pertains only to those items tested and listed as such by each individual report"

EAGLE INDUSTRIAL HYGIENE ASSOC., INC.

Accredited for PLM by NVLAP Lab Code #101536-0

DATA SUMMARY**REPORT # 960740****Client: EPA****Site: Abington Hospital****Lab Report # 960759****Method: Polarized light microscopy with dispersion staining, according to the
"Interim Analytical Method of the Determination of Asbestos in Building
Insulation Samples," (40 CFR Part 763, Subpart F, Appendix A, Revised 7-1-94)**

Sample #E 96071607**Client # AH 07 Analysed: July 17, 1996****Description: 2nd Floor Old O.R. - Fitting****Results:** 5 % Fibrous Glass,
 6 % Cellulose,
 89 % Nonfibrous Particulate.**Analyst: Keith E. Crawford**

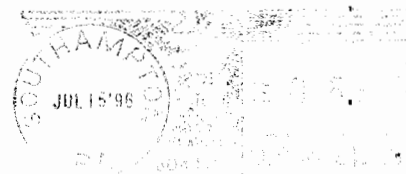
The "scope" of this report pertains only to those items tested and listed as such by each individual report



DELTA REMOVAL, INC.

ASBESTOS ABATEMENT SPECIALISTS

1345 Industrial Boulevard • Southampton, PA 18986



MR. JOHN DALEY (3AT33)
ASBESTOS NESHAPS COORDINATOR
UNITED STATES EPA REGION III
841 CHESTNUT BUILDING
PHILADELPHIA, PA 19107

19187-4414 35



COMMONWEALTH OF PENNSYLVANIA

ASBESTOS ABATEMENT AND DEMOLITION/RENOVATION NOTIFICATION

JUL # 3113

OFFICIAL USE ONLY: Postmark date: _____ Project ID #: _____ Permit #: _____ Inspector: _____	Date received 1: _____ <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div>	Date received 2: _____ <div style="border: 2px solid black; padding: 5px; text-align: center;"> RECEIVED JUL 16 1996 Pesticides & Asbestos Enforcement Section EDR Region III </div>
1. TYPE OF NOTIFICATION (check one): <i>#11 added new area #12 - Completion Date</i> <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Revision (highlight changes) <input type="checkbox"/> Cancellation		
2. PROJECT LOCATION (check one): <input type="checkbox"/> Allegheny County <input type="checkbox"/> City of Philadelphia <input checked="" type="checkbox"/> Other location in PA (specify county): <i>Mont.</i>		
3. FOR ALLEGHENY COUNTY AND CITY OF PHILADELPHIA PROJECTS: <i>N/A.</i> A. Does this project require a permit? (Y/N): _____ (If Y, a permit application must be submitted along with this notification and approved prior to the start of the project.) B. For City of Philadelphia projects requiring a permit: Asbestos project inspector: _____ Certification #: _____ Company name: _____ Address: _____ City: _____ State: _____ Zip: _____		
4. WILL ALTERNATIVE METHODS TO ANY OF THE APPLICABLE REGULATIONS BE USED? (Y/N): <i>N</i> (If Y, approval must be obtained prior to the start of the project. Please contact the appropriate DER regional office or local government agency (see page 6) for alternative method request procedures.)		
5. TYPE OF OPERATION (check one): <input type="checkbox"/> Demolition <input type="checkbox"/> Ordered Demolition <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation		
6. FACILITY DESCRIPTION: Facility name: <i>Abington Hospital</i> Address: <i>1200 Old York Rd.</i> City: <i>Abington</i> Zip: <i>19001</i> Facility size in square feet: <i>100,000</i> # of floors: <i>8</i> Age in years: <i>6.0</i> Present use: <i>Hospital</i> Prior use: <i>Hospital</i> Will the facility be occupied during the abatement activity? (Y/N): <i>N</i>		
7. ABATEMENT CONTRACTOR: Company name: <i>DELTA REMOVAL, INC.</i> Allegheny County or City of Philadelphia license # (if applicable): <i>E-44640</i> Address: <i>1345 INDUSTRIAL BOULEVARD</i> City: <i>SOUTHAMPTON</i> State: <i>PA</i> Zip: <i>18966</i> Contact: <i>JACK FITZPATRICK</i> Telephone: <i>215/322-2900</i>		
8. OTHER CONTRACTOR: Company name: <i>N/A</i> Address: _____ City: _____ State: _____ Zip: _____ Contact: _____ Telephone: _____		
9. FACILITY OWNER: Company name: <i>Same as #6</i> Address: <i>Same as #6</i> City: _____ State: _____ Zip: _____ Contact: <i>Frank Tesler</i> Telephone: <i>(215) 576-2773</i>		

14. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO REMOVE ACM AND TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION OR RENOVATION SITE:
COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.

15. WASTE TRANSPORTER(S):

A. Transporter #1 name: SPECIALTY CARRIERS

Address: 310 GEYERS CHURCH ROAD

City: MIDDLETOWN

State: PA Zip: 17057

Contact: ROBERT GURT

Telephone: 717/944-6645

B. Transporter #2 name: _____

Address: _____

City: _____

State: _____

Zip: _____

Contact: _____

Telephone: _____

16. WASTE DISPOSAL SITE:

Landfill name: MEADOWFILL LANDFILL

DER permit #: SWF103292

Address: ROUTE #2, BOX 68

City: BRIDGEPORT

State: WV Zip: 26330

Contact: ANNA CHATT

Telephone: 800/545-6117

17. AIR MONITORING FIRM(S):

A. Company name: Criterion Labs

Address: 3370 Progress Dr

City: Bensalem

State: PA Zip: 19020

Contact: Jim Weitz

Telephone: 215/244-1300

B. Final clearance firm (if different from 17A): _____

Address: _____

City: _____

State: _____

Zip: _____

Contact: _____

Telephone: _____

C. The firm performing final clearance was hired by (check one):

☐ Contractor

☒ Owner

☐ Other (explain): _____

18. AIR SAMPLE ANALYSIS FIRM(S) (City of Philadelphia projects only): NA

A. PCM company name: _____

Certification #: _____

Address: _____

City: _____

State: _____

Zip: _____

Contact: _____

Telephone: _____

E. TEM company name: _____

Certification #: _____

Address: _____

City: _____

State: _____

Zip: _____

Contact: _____

Telephone: _____

GIRARD POINT

COMMONWEALTH OF PENNSYLVANIA

ASBESTOS ABATEMENT AND DEMOLITION/RENOVATION NOTIFICATION

2117

OFFICIAL USE ONLY: Postmark date: _____ Project ID #: _____ Permit #: _____ Inspector: _____	Date received 1: _____ <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	Date received 2: _____ <div style="border: 1px solid black; padding: 10px; text-align: center;"> JUL 16 1996 </div>
1. TYPE OF NOTIFICATION (check one): <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision (highlight changes) <input type="checkbox"/> Cancellation		
2. PROJECT LOCATION (check one): <input type="checkbox"/> Allegheny County <input checked="" type="checkbox"/> City of Philadelphia <input type="checkbox"/> Other location in PA (specify county): _____		
3. FOR ALLEGHENY COUNTY AND CITY OF PHILADELPHIA PROJECTS: A. Does this project require a permit? (Y/N): <u>Y</u> (If Y, a permit application must be submitted along with this notification and approved prior to the start of the project.) B. For City of Philadelphia projects requiring a permit: Asbestos project inspector: <u>Ray Giordano</u> Certification #: <u>000010</u> Company name: <u>A.E.T., INC.</u> Address: <u>28 NORTH PENNELL ROAD</u> City: <u>MEDIA</u> State: <u>PA</u> Zip: <u>19063</u>		
4. WILL ALTERNATIVE METHODS TO ANY OF THE APPLICABLE REGULATIONS BE USED? (Y/N): <u>Y</u> (If Y, approval must be obtained prior to the start of the project. Please contact the appropriate DER regional office or local government agency (see page 6) for alternative method request procedures.)		
5. TYPE OF OPERATION (check one): <input type="checkbox"/> Demolition <input type="checkbox"/> Ordered Demolition <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation		
6. FACILITY DESCRIPTION: Facility name: <u>SUN OIL/Chevron</u> Address: <u>3144 W. Passyunk Avenue</u> City: <u>Philadelphia, PA</u> Zip: <u>19145</u> Facility size in square feet: <u>65,000</u> # of floors: <u>1</u> Age in years: <u>30</u> Present use: <u>Refinery</u> Prior use: <u>Refinery</u> Will the facility be occupied during the abatement activity? (Y/N): <u>N/A</u> <u>Outside Removal</u>		
7. ABATEMENT CONTRACTOR: Company name: <u>DELTA REMOVAL, INC.</u> Allegheny County or City of Philadelphia license # (if applicable): <u>H-44640</u> Address: <u>1345 INDUSTRIAL BOULEVARD</u> City: <u>SOUTHAMPTON</u> State: <u>PA</u> Zip: <u>18966</u> Contact: <u>Robert Lavelle, Jr.</u> Telephone: <u>215/322-2900</u>		
8. OTHER CONTRACTOR: Company name: <u>N/A</u> Address: _____ City: _____ State: _____ Zip: _____ Contact: _____ Telephone: _____		
9. FACILITY OWNER: Company name: <u>Same as #6</u> Address: <u>Same as #6</u> City: _____ State: _____ Zip: _____ Contact: <u>TON SURYNT</u> Telephone: <u>215/339-704</u>		

14. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO REMOVE ACM AND TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION OR RENOVATION SITE: COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS

15. WASTE TRANSPORTER(S):

A. Transporter #1 name: WASTE MANAGEMENT OF PA DELAWARE VALLEY SOUTH

Address: 408 SOUTH OAK AVENUE

City: PRIMOS

State: PA Zip: 19018

Contact: Jim Cook

Telephone: 215-922-7969

B. Transporter #2 name: N/A

Address:

City:

State: Zip:

Contact:

Telephone:

16. WASTE DISPOSAL SITE:

Landfill name: WASTE MANAGEMENT OF PA

DER permit #: 100549

Address: Sell ROAD,

City: POTTSTOWN

State: PA Zip: 19464

Contact: David Heffner

Telephone: 610-327-2703

17. AIR MONITORING FIRM(S):

A. Company name: A.E.T., INC.

Address: 28 NORTH PENNELL ROAD

City: MEDIA

State: PA Zip: 19063

Contact: DON HEIM

Telephone: 610/891-0114

B. Final clearance firm (if different from 17A): SAME AS 17A

Address:

City:

State: Zip:

Contact:

Telephone:

C. The firm performing final clearance was hired by (check one):

☐ Contractor

☒ Owner

☐ Other (explain):

18. AIR SAMPLE ANALYSIS FIRM(S) (City of Philadelphia projects only):

A. PCM company name: A.E.T./Roy Mosicant

Certification #: 178

Address: 28 North Pennell Road

City: Media

State: PA Zip: 19063

Contact: Don Heim

Telephone: 610/891-0114

B. TEM company name:

Certification #:

Address:

City:

State: Zip:

Contact:

Telephone:

Job 7417

CITY OF PHILADELPHIA * DEPARTMENT OF PUBLIC HEALTH
AIR MANAGEMENT SERVICES * ASBESTOS CONTROL UNIT
ALTERNATIVE METHOD REQUEST

1. NAME OF PROJECT: Sun Company

ADDRESS OF PROJECT: 3144 W. Passyunk Avenue
Philadelphia, PA 19145

LOCATION ~~WITHIN~~ ^{OUTSIDE} *Product Line*
BUILDING: *2nd + 3rd line - East Side*

AMOUNT OF ACM: *38 LF*

OFFICE USE ONLY:

DATE RECEIVED:

JOB NUMBER:

1 / 1

☐ APPROVED

☐ NOT APPROVED BY: _____

REASON
☐ INSUFFICIENT INFORMATION
☐ COMPLY WITH REGULATIONS
☐ ALTERNATIVES NOT ACCEPTABLE
☐ OTHER _____

2. DATES OF PROJECT:

START: *7-22-96* FINISH: *8-2-96*

3. CONTRACTOR NAME: Delta Removal, Inc.
License No. 000025

4. API NAME: Ray Giordano

COMPANY: A.E.T.

ADDRESS: 28 North Pennell Road
Media, PA 19063

PHONE #: 610/891-0114 CERT. # 000010

SIGNATURE: *Ray Giordano*

5. EXACT NUMBERED SECTION(s)

6. REASON REGULATION CAN NOT BE COMPLIED WITH:

7. YOUR DETAILED ALTERNATIVE:

VI. B.19
Page 31

Due to the work areas being located outdoors, and in large areas above grade, it would not be feasible to attach a decon to the work unit

Contractor will have on site a remote decon for the decontamination of all personnel involved in this project

VI. c.3c(.4) (.5)
PAGE 37

Due to uneven surfaces on the ground (i.e. rocks, dirt etc.) it would not be feasible to duct tape the poly to this type of surface.

Contractor will set poly drop cloths under all areas where work will be done.

VII. A. 14
PAGE 55

Work will be done on equipment that is run at extremely high temperatures.

Contractor will utilize the wet method, tenting and bagging of the ACM in accordance with Philadelphia regulations.

ROUTING AND TRANSMITTAL SLIP

Date

11/2/46

TO: (Name, Office Symbol, Room, Building, Building Agency Point)

Initials

Date

1. Rich, P. 3411

2.

3.

4.

5.

Action	File	None and Return
Approval	For Clearance	For Consultation
As Requested	For Correction	Prepare Reply
Discontinue	For Your Information	See Me
Comment	Investigate	Signature
Other	Reply	

REMARKS

Rich,

Please. This is the only "answer" I've received in this case. Please review and give me a call to discuss. I must file a motion for default against Abington and a motion for a more definite answer, since this is insufficient. Note that they did not request a settlement conference.

DO NOT USE THIS SLIP AS A RECORD OF APPROVAL, CONCURRENCE, DISAPPROVAL, OBJECTION, AND SIMILAR ACTIONS

FROM: (Name, Office Symbol, Agency Point)

Room No. — 815g

D. Snyder

3411

Phone No.

2692

FORM NO.

U.S.G.P.O. 1934, 201-15-10000

OPTIONAL FORM 41 (Rev. 7-75)
Prescribed by GSA
FPMR (41 CFR) 101-11.6



DELTA REMOVAL, INC.

(215) 322-2900

ASBESTOS ABATEMENT SPECIALISTS

FAX (215) 322-1616

1345 Industrial Boulevard • Southampton, PA 18986

October 25, 1996

Regional Hearing Clerk 3RC00
United States EPA, Region III
841 Chestnut Building
841 Chestnut Street
Philadelphia, PA 19107

**RE: Abington Memorial Hospital
Asbestos Violation
July 10, 1996**

96 OCT 29 PM 4:39
RECEIVED
REGIONAL HEARING CLERK
U.S. E.P.A. PHILA. PA

Dear Sir/Madam:

Delta Removal, Inc. respectfully requests a hearing regarding the above referenced citation since we were not notified of these allegations until September 30, 1996.

On October 14, 1996, we asked our foreman at the site, Joseph Mahoney to come to our office to recount what had transpired during the EPA inspection on July 10, 1996.

Mr. Mahoney advised the EPA inspector that there had been a pick-up of asbestos bags on July 9, 1996, but all bags would not fit on the truck. These bags were then stored in a room with HAZARD TAPE blocking the entrance.

Not all bags removed from Abington Hospital contained asbestos. Some contained mud fittings which were installed during a major renovation in 1982. Other bags contained wall plaster, samples of which were sent to Criterion Labs for analysis. These samples were negative. In 1982, the law did not permit installation of asbestos fittings, since the law prohibiting the use of asbestos was enacted in 1972.

Since the area was operational at the time of bidding, the estimated 1,000 lineal feet of asbestos pipe insulation behind the plaster walls could not be seen. Mr. Mahoney stated that he told the inspector that this asbestos was removed using mini-containments, which is perfectly legal. Mr. Mahoney said that amended water was used during removal of this pipe insulation and that there also was plaster in the same bags. This is why all the material, hazardous or not, was disposed of as hazardous. If the inspector felt that there was not enough water in the bags, we can only assume that the water was absorbed by the plaster waste mixed in with the asbestos.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Request for Asbestos NESHA
Complaint against Delta Removal and
Abington Memorial Hospital

DATE: 08 19 1996

FROM: Donald J. Lott, Chief
Pesticides/Asbestos Enforcement Section (3AT11)

TO: Bob Smolski, Acting Chief
Air and Toxics Section (3RC10)

Attached you will find a concurrence request for the issuance of a Clean Air Act Administrative Complaint against Delta Removal and Abington Memorial Hospital for violating the asbestos NESHA rule.

Please assign a docket number for this case. The attorney assigned to this case should inform the hearing clerk of the assignment.

If you have any questions, please contact Rich Ponak at 566-2044.

Attachment

CONCURRENCE REQUEST FOR ADMINISTRATIVE ACTION
UNDER SECTION 113 OF THE CAA FOR ASBESTOS NESHAP CASES

Alleged Violator(s): Abington Memorial Hospital
1200 Old York Road
Abington, PA 19001

and

Delta Removal, Inc.
1345 Industrial Blvd.
Southampton, PA 18966

Project Site: Abington Memorial Hospital
1200 Old York Road
Abington, PA 19001

Type of Facility: Hospital

Date of Initial Inspection: July 10, 1996

Prepared by: Richard Ponak
Pesticides/Asbestos
Enforcement Section (3AT11)
(215) 566-2044

Date of Request:

The hearing clerk should assign the appropriate docket number for the following enforcement request.

I. Description of Alleged Violator(s)

Abington Memorial Hospital operates as a general Hospital in Montgomery County Pennsylvania. Abington's revenues are derived from cash and third party payers, including Medicare and Medicaid. Abington Hospital sells locally to the general public.

Delta Removal, Inc. is a contractor specializing in 100% asbestos removal. This business contracts 10% of their work to other companies. Delta's contracts are obtained through bidding (90%) and negotiation (10%) Delta sells to commercial and industrial concerns regionally.

II. Documented Findings

On July 10, 1996, an asbestos NESHAP inspection was conducted at Abington Memorial Hospital in Abington, Pennsylvania by Richard Ponak, an EPA Region III inspector located in the Philadelphia, Pennsylvania office. This inspection was conducted as part of a routine asbestos NESHAP compliance inspection based on receipt of a notification submitted by Delta removal.

During the inspection on July 10, 1996, Mr. Ponak observed suspect violations of the asbestos NESHAP regulation. When Mr. Ponak arrived on site the Delta crew had just finished removing friable asbestos pipe insulation and was now preparing a new work area on the second floor. At this time, Mr. Ponak inspected a room in the second floor work area where removal had just been completed and the room was being used to store asbestos waste bags from the past two days. There were over forty asbestos containing waste bags in the area, many of these bags were very light weight indicating that they may not contain water. Mr. Ponak asked the Delta crew to take eleven bags into the DeCon area to be opened. At this time, bags were opened and the suspect regulated asbestos containing material was very dry with no indication of water or moisture ever being used. At this time, photographs and seven samples were taken. It should also be noted that the supervisor said this was a glove bag job since there was not a full negative pressure containment but none of the waste bags contained glovebags indicating removal without any enclosures to contain asbestos dust.

Mr. Ponak indicated to the Delta Supervisor and the hospital representative that there were possible NESHAP violations. Mr. Ponak also stated all asbestos waste should be adequately wetted before it left the site.

On July 22, 1996, Mr. Ponak conducted a follow-up inspection at Abington Hospital. At this time, the removal project was complete and all asbestos waste was off site.

III. Alleged Violations

Based on the above findings, the following violations of the asbestos NESHAP regulations at 40 C.F.R. Section 61, Subpart M are alleged:

For each violation alleged, cite the specific regulatory provision, describe what the violation was, and describe what evidence is being used to support the allegation.

For example.

A. 40 C.F.R. § 1.145(c)(3)

Contractor/owner failed to adequately wet regulated asbestos containing material when removing.

Evidence: Inspector observed/handled dry RACM that had been stripped that day and the previous day.

B. 40 C.F.R. § 61.145(c) (6) (I)

Contractor/owner failed to adequately wet RACM and ensure it remained wet until collected for disposal.

Evidence: Dry RACM/Dust in sealed bags.

IV. Initial Penalty Assessment

Based on the CAA Asbestos Demolition and Renovation Civil Penalty Policy, as revised May 5, 1992:

Estimated amount of RACM: (in units)

ex. 1025 L.F. ft. x Unit = Approx. 3.94 Units or \leq 10 units.
260 L.F.

A. Gravity Component

Initial Inspection July 10, 1996

<u>Regulation</u>	<u>Requirement</u>	<u>Amount</u>
61.145(c) (3)	Adequately wet stripping	\$ 5,000
61.145(c) (6) (I)	Kept wet until collected/ disposal	\$ 5,000

1 additional day of dry removal July 9, 1996 based on waste on site the time of the July 10, 1996 inspection.

61.145(c) (3)	Adequately wet stripping	\$ 500
61.145(c) (6) (I)	Kept wet until collected/ disposal	\$ 500
	Subtotal	\$16,000
Size of violator (Based on size of Delta Removal)		\$ 5,000

B. Economic Benefit Component (less than \$5,000) for water/labor	\$ 0
--	------

TOTAL PROPOSED PENALTY	\$21.000
------------------------	----------

V. Rationale for Issuing Complaint

This complaint is being issued due to the potential airborne release of asbestos fibers into the ambient air and associated health risks to construction personnel and occupants of the hospital that were on the second floor in the direct vicinity of this dry removal that was not contained. Since the asbestos was removed very dry and friable, there would have been significant risk of release of asbestos fibers and possible human exposure if any of the bags containing dry asbestos were ruptured either at the work site or at the landfill.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III

841 Chestnut Building

Philadelphia, Pennsylvania 19107

PROJECT NAME : Abington Hospital ASBESTOS FILE #

PROJECT LOCATION : Abington PA PROJECT #

CONTRACTOR : Delta Removal INSP. DATE : 7-10-96

ON-SITE SUPV. : Joseph Mahoney PA 001477 INSPECTOR : R. Bork

TYPE OF PROJECT : REMOVAL ☒ DEMOLITION ☐

PHASE OF PROJECT : PRE-JOB ☐ SET-UP ☐ REMOVAL ☒ POST ☐

INSP # 1 ST ☒ 2 ND ☐ 3 RD ☐ 4 TH ☐

INDEPENDENT CONSULTANT :

COMPANY NAME : Criterion Labs

ON-SITE SUPV. : Steve Foroshak

TYPE OF REMOVAL : GROSS ☒ GLOVE-BAG ☒ OTHER ☐

NESHAP'S REQUIREMENTS :

IS REMOVAL : PLANNED ☒ EMERGENCY ☐

IF PLANNED, WAS NOTIFICATION POSTMARKED 10 WORKING DAYS PRIOR TO THE
START OF THE PROJECT ? YES ☒ NO ☐ N/A ☐

CATEGORY OF ACM TO BE REMOVED :

REGULATED ACM ☒ CAT. I ☐ CAT. II ☐

IS WATER AVAILABLE ON-SITE : YES ☒ NO ☐

IS ACM WET DURING REMOVAL : YES ☐ NO ☒

IS AMMENDED WATER USED : YES ☐ NO ☒

WORK PRACTICES

WARNING SIGNS POSTED : YES X NO

ENTRANCE TO WORKSITE RESTRICTED : YES X NO

ARE WALLS TO BE SEALED WITH PLASTIC : YES NO X

ARE FLOORS TO BE SEALED WITH PLASTIC : YES NO X

IS PLASTIC N/A CLEAR BLACK OTHER

IS THERE A DECONTAMINATION UNIT FOR ENTRY/EXIT : YES NO X

IF SO, WHAT TYPE OF DECON. UNIT WILL BE USED : 3 STAGE/SHOWER

2 STAGE DRY OTHER remote shower (decon)

ARE MOVABLE OBJECTS OUT OF WORK AREA : YES X NO

ARE IMMOVABLE OBJECTS COVERED AND SEALED : YES X NO

ARE THERE HOLES OR TEARS IN CONTAINMENT AREA N/A YES NO

NUMBER OF HEPA NEG. AIR UNITS IN USE :

IS NEGATIVE AIR MAINTAINED IN CONTAINMENT AREA : YES NO

WILL HEPA UNITS RUN CONTINUOUSLY DURING REMOVAL AND FINAL CLEARANCE :

YES NO IF NO, WHY

ARE THERE HEPA VACUUM CLEANERS ON SITE : YES X NO

IS ACM WASTE BAGGED AS IT IS REMOVED : YES X NO

WILL AN ENCAPSULANT BE USED : YES X NO

WHAT IS THE BRAND OR TYPE OF ENCAPSULANT :

IS THE ACM WASTE STORED ON SITE FOR LENGTH OF REMOVAL : YES NO X

IS THE ACM WASTE STORAGE SITE SECURE : YES X NO X

ARE REMOVAL WORKERS WEARING PROTECTIVE CLOTHING : YES X NO

ARE REMOVAL WORKERS WEARING PROPER RESPIRATORS : YES X NO

IS AIR SAMPLING TO BE DONE : YES X NO

IF SO, WHAT TYPE :

HOW WILL THE SAMPLES BE ANALYZED : PCH

LIST, IF ANY, VIOLATIONS NOTED : Dry Removal / Disposal

DOES THE AMOUNT OF ACM TO BE REMOVED CORRESPOND TO THE AMOUNT SHOWN
ON THE NOTIFICATION FORM ? YES X NO

IF NO, EXPLAIN

IS REMOVED ACM PROPERLY BAGGED AND LABELED ? YES X NO

DOES THE LABEL INCLUDE THE NAME AND GENERATOR OF WASTE ? YES NO

IS THE WASTE TRANSPORTER(S) THE SAME AS LISTED ON THE NOTIFICATION
FORM ? YES X NO IF NO, WHY :

IS THE WASTE DISPOSAL SITE THE SAME AS LISTED ON THE NOTIFICATION FORM ?
YES X NO IF NO, WHY :

WILL THE WASTE SHIPMENT RECORD ACCOMPANY THE ACM TO THE LANDFILL ?
YES X NO IF NO, WHY :

COMMENTS AND RECOMMENDATIONS :

1 40+ bags in bag storage Area
+ 11 other bags opened - sampled -
~ 2:00pm Arrived at Hospital - crew not presently remaining - properly
other areas - 2ND Fl. Highland - had removed ACM earlier
that day - Supervisor stated they had glove bagged pipe fitting
and pipe insulation in 2ND floor den areas and elevators shaft.
- checked room where Acar waste bags were stored from last
two days of removal - ~ 40+ bags in this room - picked up
many (30) - all very light-weight (dry) - had DELTA crew take
(11) bags in a sealed bathroom they were using as a Decon -
as had DELTA set up negative Air for this room - then opened
(11) bags and sampled (7) of these - All material was very dry
with no evidence of water/moisture being used during removal
or disposal. There were no glove bags in any of these black bags
which indicated the material was removed without any precautions
or confinements. One bag had moisture between the two black
bags but All waste was bone dry, with visible dust in/on
the bags. Air insulation was broken and no moisture observed.
(over)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

May 28, 1997

Via first class mail and facsimile

Honorable Andrew S. Pearlstein
Office of Administrative Law Judges
Mailcode 1900
U.S. Environmental Protection Agency
401 M St., S.W.
Washington, D.C. 20460

Re: In re: Delta Removal, Inc, and Abington Memorial
Hospital, Inc., Docket No. CAA-III-077

Dear Judge Pearlstein:

Enclosed please find a copy of the fully executed Consent Agreement and Consent Order resolving all issues in this case. The original of the Consent Agreement and Consent Order was filed with the Regional Hearing Clerk. Please do not hesitate to have your legal assistant contact me if you have any questions. I can be reached at (215) 566-2692.

Respectfully submitted,

A handwritten signature in cursive script that reads "Douglas J. Snyder".

Douglas J. Snyder
Assistant Regional Counsel

enclosure
cc: (w/ enclosure)

Michael Libor, Esq.
Counsel for Delta Removal, Inc.

Richard Montalbano
Abington Memorial Hospital, Inc.

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

In the Matter of: :
: :
Delta Removal, Inc., : Docket No. CAA-III-077
and :
Abington Memorial :
Hospital, Inc. :
: :
Respondents :
:

CONSENT AGREEMENT

I. JURISDICTION

1. This administrative proceeding for the assessment of a civil penalty was initiated under the authority of Section 113(d) of the Clean Air Act (the "CAA"), 42 U.S.C. § 7413(d). The action was initiated by issuance of a Complaint and Notice of Opportunity for Hearing (the "Complaint"), dated September 30, 1996, to Abington Memorial Hospital, Inc. (Abington or Respondent) and Delta Removal, Inc. (Delta or Respondent). The Complaint alleges that Respondents violated § 112 of the CAA, 42 U.S.C. § 7412, and the National Emission Standards for Hazardous Air Pollutants for Asbestos (Asbestos NESHAP), 40 C.F.R. Part 61, subpart M, by 1) failing to adequately wet regulated asbestos

containing material (RACM) during removal of the RACM in the Hospital on July 9 and 10, 1996, in violation of 40 C.F.R. § 61.145(c)(3), and 2) failing to adequately wet the RACM after it was removed and ensure that it remained wet until collected and contained or treated in preparation for disposal on July 9 and 10, 1996, in violation of 40 C.F.R. § 61.145(c)(6)(i).

2. Respondent Delta responded to the Complaint by letter dated October 25, 1996, denying the allegations and requesting a hearing on the allegations in the Complaint. By letter dated November 11, 1996, Respondent Abington responded to the Complaint by adopting Delta's response as its own and requesting a hearing on the allegations in the Complaint.

3. The Parties wish to amicably resolve this dispute.

II. GENERAL PROVISIONS

4. Respondents admit the jurisdictional allegations set forth in the Complaint.

5. Respondents neither admit nor deny the factual allegations set forth in the Complaint.

6. Respondents expressly waive their right to a hearing on any issue of fact or law alleged in the complaint and consent to the issuance of this Consent Agreement and Consent Order without

the environment. Nor shall anything in this Consent Agreement or Consent Order be construed to limit the United States' authority to pursue criminal sanctions.

12. Respondent Delta agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and Consent Order.

III. FINDINGS OF FACT

13. The factual allegations contained in paragraphs 1 through 26 of the Complaint are incorporated herein by reference.

IV. EPA's CONCLUSION OF LAW

14. EPA concludes that Respondents have violated section 112 of the CAA and 40 C.F.R. §§ 61.145(c)(3) and 61.145(c)(6)(i) by failing to wet the regulated asbestos containing material during removal on July 9 and 10, 1996, and by failing to keep the removed regulated asbestos containing material wet and ensure that it remained wet until collected and contained for disposal,

adjudication.

7. Respondent Delta consents to the issuance of the Consent Order attached to this Consent Agreement and consents to the payment of a civil penalty of thirteen thousand six hundred dollars (\$13,600).

8. Respondent Abington consents to the issuance of the Consent Order attached to this Consent Agreement. In light of Respondent Delta's obligation to pay the \$13,600 civil penalty, Respondent Abington shall not be assessed any portion of the agreed-upon civil penalty in this case.

9. Each party to this action agrees to pay its own costs and attorneys' fees.

10. Each Respondent certifies to EPA by its respective signature herein that it is presently in compliance with the provisions of the CAA referenced in the Complaint.

11. This Consent Agreement and Consent Order only resolves those civil claims which are alleged in the Complaint and constitutes a full settlement of those claims. Nothing herein shall be construed to limit the authority of the EPA to undertake action against any person, including the Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or

and are therefore liable to the United States for a civil penalty pursuant to § 113(a) and (d) of the CAA.

5/2/97

DATE

Douglas J. Snyder

Douglas J. Snyder
Assistant Regional Counsel
EPA Region III

5/28/97

DATE

Robert Lavelle

Robert Lavelle, Sr., President
Delta Removal, Inc.

DATE

Richard Montalbano,
Vice-president, Management Services
Abington Memorial Hospital, Inc.

Accordingly, the Air, Radiation & Toxics Division, U.S. Environmental Protection Agency, Region III, recommends that the Regional Judicial Officer issue the attached Consent Order, requiring Respondent Delta to pay a penalty of \$13,600.

5/15/97

DATE

David L. Maslany

for Thomas J. Maslany, Director
Air, Radiation & Toxics Division

DELTA3.CAC

5

and are therefore liable to the United States for a civil penalty pursuant to § 113(a) and (d) of the CAA.

5/2/97
DATE

Douglas J. Snyder
Douglas J. Snyder
Assistant Regional Counsel
EPA Region III

DATE

Robert Lavelle, Sr., President
Delta Removal, Inc.

4/25/97
DATE

Richard Montalbano
Richard Montalbano,
Vice-president, Management Services
Abington Memorial Hospital, Inc.

Accordingly, the Air, Radiation & Toxics Division, U.S. Environmental Protection Agency, Region III, recommends that the Regional Judicial Officer issue the attached Consent Order, requiring Respondent Delta to pay a penalty of \$13,600.

5/15/97
DATE

for Janet L. Bark
Thomas J. Maslany, Director
Air, Radiation & Toxics Division

In the Matter of: :
:
Delta Removal, Inc., : Docket No. CAA-III-077
and :
Abington Memorial :
Hospital, Inc. :
:
Respondents :
:

The undersigned accepts and incorporates into this Consent Order by reference the Consent Agreement signed by the Respondents and EPA.

NOW, THEREFORE, PURSUANT TO 40 C.F.R. §22.18(c), it is hereby ordered that Respondent Delta Removal, Inc. pay a civil penalty of thirteen thousand six hundred dollars (\$13,600).

The effective date of the Consent Agreement and the Consent Order is the date that the Order is signed by the Regional Judicial Officer. Respondent Delta shall pay the civil penalty of thirteen thousand six hundred dollars (\$13,600) by submitting

a certified or cashiers check within 30 calendar days of the effective date of this Consent Agreement and Consent Order. The check shall be made payable to the order of "Treasurer, United States of America" and shall reference the docket number in this action (CAA-III-077). The check shall be sent to:

U.S Environmental Protection Agency
Region III
P.O. Box 360515
Pittsburgh, Pa. 15251-6515

Simultaneously with the submission of the payment, Respondent Delta shall send a notice of such payment, including a copy of the check, to the following persons:

Ms. Lydia Guy
Regional Hearing Clerk
Mail code 3RC00
U.S. EPA
841 Chestnut Bldg.
Philadelphia, Pa. 19107

and

. Douglas J. Snyder, Esq.
Mail Code 3RC11
U.S. EPA
841 Chestnut Bldg.
Philadelphia, Pa. 19107

Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and penalties on debts owed to the

United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on any unpaid amount if it is not paid within thirty (30) days of the effective date as described above. Interest will be assessed at the rate of the U.S. Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts, based on either actual or average cost incurred, will be charged on all debts. 40 C.F.R. § 13.11(b). In addition, a penalty will be assessed on any portion of the debt which remains delinquent more than ninety (90) calendar days after payment is due. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due pursuant to 4 C.F.R. § 102.13(e). Furthermore, pursuant to EPA Resources Management Directives System, Chapter 9, EPA will assess a \$15.00 handling charge for

administrative costs on unpaid penalties for the first 30 day period after a payment is due and an additional \$15.00 for each subsequent 30 days the penalty remains unpaid.

5/27/97

Date

Benjamin Kalkstein

Benjamin Kalkstein

Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, the original of the attached Consent Agreement and Consent Order in In re: Delta Removal, Inc. and Abington Memorial Hospital, Inc., CAA-III-077, was hand-delivered to the Regional Hearing Clerk of EPA Region III, and that true and correct copies were sent by the methods indicated below to the persons listed below:

via first class mail, postage paid, and facsimile

Honorable Andrew S. Pearlstein
Office of Administrative Law Judges
Mailcode 1900
U.S. Environmental Protection Agency
401 M St., S.W.
Washington, D.C. 20460
fax (202) 260-3720

Michael Libor, Esq.
Morgan, Lewis & Bockius
2000 One Logan Square
Philadelphia, Pa. 19103-6993
fax (215) 963-5299
Counsel for Delta Removal, Inc.

via first class mail, postage paid

Richard Montalbano
Vice-president, Management Services
Abington Memorial Hospital, Inc.
1200 Old York Road
Abington, Pa. 19001

5/28/97
Date

Douglas J. Snyder
Douglas J. Snyder
Assistant Regional Counsel